

## REMARKS

Claims 26, 34-40, 42 and 45 are cancelled herein without prejudice or disclaimer and Applicant reserves the right to pursue subject matter of such claims in one or more continuing patent applications. Claims 25, 36, 39, 40 and 44 are amended and claims 54-97 are new. The amendments and new claims find basis in the claims as originally filed and in the specification throughout, and representative basis is in paragraphs 0017, 0089, 0092 and 0098 of the specification, for example. Accordingly, no prohibited new matter is introduced by entry of the amendments and new claims.

Applicant extends gratitude to the Examiner for holding an interview with the undersigned representative on March 23, 2007. Applicant wishes to highlight specific support for certain subject matter claimed in response to matters discussed in the interview. Claims 61-78, directed to methods for inducing an immune response against an antigen, find basis in subject matter of formerly pending claims 34-40, for example. Claims 79-95, directed to methods for inducing an immune response *in vivo*, finds basis in the specification in paragraphs 0129, 0130 (e.g., “propelling force” and “particles”), 0236, 0237 and 0238, for example. Claims 54 and 55 are directed to FKBP12 and FKBP12(V36) ligand-binding regions, which find support in the specification in paragraphs 0092 and 0217, for example. Accordingly, the claimed subject matter is fully supported by the specification.

Applicant acknowledges the withdrawal of rejections under 35 U.S.C. 102(a) and 35 U.S.C. 103(a). The sole remaining rejection in the outstanding final Office action is of claims 25-53 under 35 U.S.C. 112, first paragraph, for alleged lack of enablement. Applicant respectfully traverses this rejection. The claim amendments and new claims set forth herein are introduced to expedite prosecution, and Applicant respectfully asserts the outstanding rejection is inapplicable to the amended claims and new claims herein.

The Office defined enabled subject matter on pages 3 and 4 of the outstanding action. The Office states the specification is enabled for activating antigen presenting cells *ex vivo*, and *in vivo* by a gene gun, the latter of which operates via particle

bombardment. The Office further states the specification is enabled for using a nucleic acid encoding a chimeric protein that comprises a myristoylation membrane targeting region, a FK506 ligand-binding region and a CD40 cytoplasmic polypeptide region lacking the CD40 extracellular domain. In view of this analysis by the Office, Applicant respectfully notes that the specification enables (i) claims 25, 27-33, 41, 43 and 54-57, drawn to *ex vivo* and *in vitro* methods for activating an antigen presenting cell, (ii) claims 44, 46-53 and 58-60 drawn to compositions, (iii) claims 61-78 drawn to methods for inducing an immune response against an antigen, and (iv) claims 79-95 drawn to particle-assisted *in vivo* methods. Applicant therefore respectfully requests withdrawal of the rejection under 35 U.S.C. 112, first paragraph, in view of the amended claims and new claims herein.

### CONCLUSIONS

Applicant respectfully submits all pending claims will be in condition for allowance upon entry of the amendments herein. Applicant respectfully solicits a prompt notification to this effect, and the Examiner is encouraged to contact the undersigned representative (contact information below) to promptly resolve any remaining issues or questions.

In the unlikely event a fee calculation document or other pertinent document is separated from this submission and the Office determines that an extension and/or other relief is required, Applicants petition for any required relief, including extensions of time, and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-3473**.

Respectfully submitted,

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